

Tuesday, October 08, 2013

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Debbie Arnold, and Acting Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY ACTING CHAIRPERSON BRUCE S. GIBSON.

(The agenda is amended, per the addendum to the agenda, as follows: 1) add swearing in of newly appointed District 4 Supervisor, Caren Ray, following the Flag Salute; 2) move presentation Items 21 and 22 to the morning presentation calendar immediately following the consent agenda in the following order: Item 21 (James B. Orton resolution), Item 15 (National 4-H resolution), and Item 22 (National Arts Month resolution); 3) withdraw Item 17 (Report on Federal lobbying activities) and Item 23 (Deed restriction for Port San Luis Harbor District's downtown parking lot), which will be brought back at a later date; 4) move Item 24 (Appeals by Sean Shealy and Brian LoConte regarding Pirates Cove parking lot in Avila Beach) to the morning session following Item 19; and 5) add the Urgency Ordinance hearing to the afternoon session at 1:30 PM.)

Swearing In Ceremony:

This is the time set to swear in newly appointed District 4 Supervisor, Caren Ray.

The Clerk swears in new appointed District 4 Supervisor, Caren Ray.

The Board adjourns sine die.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold, and Acting Chairperson Bruce S. Gibson

ABSENT: None

Supervisor Ray: recognizes Paul Teixeira and offers her sincere condolences to his family and friends; speaks to her pledge as Supervisor representing District 4; commends those who applied for the position; and introduces her new legislative Assistant Elizabeth Ruth.

Board Members: welcome Supervisor Ray and state they look forward to working with her.

Consent Agenda – Review and Approval:

1-14. This is the time set for consideration of the Consent Agenda.

Acting Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 14 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Consent Agenda - Board of Supervisors Items:

1. Request to approve an agreement with the Nipomo Chamber of Commerce allocating \$2,000 from District Three (on behalf of District Four) Community Project Funds – Fund Center #106 to be used for expenses associated with holding the annual October Festival on October 12th and 13th, 2013.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - County Fire Items:

2. Request to approve the FY 2013-14 annual agreement (Clerk's File) for cooperative fire protection services with the California Department of Forestry and Fire Protection (CAL FIRE).

Mr. Bill Winter – County Fire: clarifies that the agreement is attached to the staff report and is not clerk's filed as stated in the subject line.

This item is amended by clarifying that the agreement is attached to the staff report and is not clerk's filed as stated in the subject line. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - General Services Agency Items:

3. Request to create a new capital project to update the Airport Layout Plan for the Oceano County Airport and authorize a budget adjustment in the amount of \$110,924 from a Federal Aviation Administration (FAA) grant and \$12,325 from the Airport Enterprise Fund. District 4.

Mr. Jeff Edwards and Ms. Julie Tacker: speak.

The Board approves as recommended by the County Administrative Officer.

4. Request to create a new capital project to replace the Cayucos 1st Street beach access way, approve a resolution accepting mitigation funds totaling \$72,312.50 from the California Coastal Commission, and authorize a budget adjustment allocating the mitigation funding to the project. District 2.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-240, adopted.

5. Request to approve the Consent to Assignment of the County Courthouse Annex Building Food and Beverage contract to Neighborhood Neighbor's Foods, Inc. for the cafe concession at 1050 Monterey Street in San Luis Obispo and approve the First Amendment to County Courthouse Annex Building Food and Beverage Concession contract.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Health Agency Items:

6. Request to approve a FY 2013-14 renewal contract (Clerk's File) with Dignity Health d.b.a. French Hospital Medical Center in an amount not to exceed \$383,405 to provide ancillary services for the County's Behavioral Health Psychiatric Health Facility.

The Board approves as recommended by the County Administrative Officer.

7. Request to approve a renewal contract with Good Samaritan Shelter, Inc. for FY 2013-14 in an amount not to exceed \$30,000 to provide substance abuse detoxification services to men and women and alcohol and drug-free housing that offers counseling services for pregnant and parenting women and their children.

Mr. Jeff Hamm – Health Agency Director: amends this item by replacing Exhibit F to the contract.

This item is amended by replacing Exhibit F to the contract. Further the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Human Resources Items:

8. Submittal of a resolution approving: 1) the 2013-2015 Memorandum of Understanding (MOU) with the District Attorney Investigators' Association (DAIA), Bargaining Unit 06, District Attorney Investigators' Unit and the District Attorney Investigators' Supervisory Unit; and 2) amendments to the San Luis Obispo County Employees Retirement Plan Appendices.

Ms. Tami Douglas-Schatz – Human Resources Director: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-241, adopted.

Consent Agenda - Planning & Building Items:

9. Submittal of a resolution correcting the Parcel Map Number for Parcel Map CO 07-0143 (Mary Linthicum). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-242, adopted.

Consent Agenda - Probation:

10. Request to approve a contract for replacement of the Probation Department's collection case management system with a Commercial Off the Shelf (COTS) software package and a corresponding budget adjustment in the amount of \$281,292 in Fund Center 139 – Probation.

This item is amended by adding Exhibit E which was inadvertently omitted, titling Exhibit F; and replacing page 2 of the contract to remove reference to Exhibit I. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Consent Agenda - Public Works Items:

11. Submittal of a resolution authorizing the Director of Public Works to make application of transportation capital improvement project funding to the San Luis Obispo Council of Governments for eligible Capital Improvement Projects. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-243, adopted.

12. Submittal of a resolution approving the Branch Mill Road Bridge Replacement Project, adopting the mitigated negative declaration, and directing staff to proceed with associated project development activities. District 4.

Mr. Mark Hutchinson – Public Works: amends this item by titling the exhibit to the resolution "Exhibit A."

This item is amended by titling the exhibit to the resolution "Exhibit A." Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2013-244, adopted as amended.

13. Submittal of a resolution to ratify the existing Master Agreement with the State of California for State Funded Projects and authorize the Director and Deputy Director of Public Works to accept program supplement agreements. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2013-245, adopted.

Consent Agenda - Sheriff - Coroner Items:

14. Request to approve the use of Federal Asset Forfeiture Funds in the amount of \$117,000 to purchase a replacement vehicle for use by the Stolen Vehicle Task Force Investigator, purchase a replacement voice recording system and to fund repairs to the Sheriff's firing range; authorize corresponding budget adjustments in Fund Center 136 – Sheriff-Coroner and Fund Center 407 Fleet Services; and amend the Sheriff-Coroner's Fixed Asset List to add the vehicle and the voice recording system.

The Board approves as recommended by the County Administrative Officer.

Presentations:

21. Submittal of a resolution honoring James B. Orton upon his retirement after thirty three years of service to the County of San Luis Obispo.

Ms. Rita Neal – County Counsel and Mr. James Orton: speak.

RESOLUTION NO. 2013-246, a resolution commending James B. Orton for thirty-three years of service to the County of San Luis Obispo, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

15. Submittal of a resolution recognizing October 6-12, 2013 as "National 4-H Week" and approval to fly the 4-H flag over the Government Center during "National 4-H Week."

Ms. Alyssa Hall; Ms. Danielle Huseby; Mr. Enzo Suprinski; Ms. Justine Potter; and Ms. Brittney Tierney – 4-H students; and Ms. Mary Bianchi - County Director and University of California Horticulture Farm Advisor: speak.

RESOLUTION NO. 2013-247, a resolution proclaiming October 6-12, 2013 as National 4-H Week, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

The Board approves the request to fly the 4-H flag over the Government Center during “National 4-H Week.”

Motion by: Frank R. Mecham
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			

Arnold, Debbie (Board Member)	x			
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22. Submittal of a resolution recognizing and supporting the mission of the California Arts Council by proclaiming October 2013 as "National Arts and Humanities Month" and October 5, 2013 as "Passport to the Arts Day" in San Luis Obispo County.

Acting Chairperson Gibson: opens the floor to public comment.

Mr. Eric Greening and Dr. C. Hite: speak.

Ms. Jenna Hartzell – Arts Obispo Executive Director (booklet): speaks.

RESOLUTION NO. 2013-248, a resolution recognizing and supporting the mission of the California Arts Council by proclaiming October 2013 as "National Arts and Humanities Month" and October 5, 2013 as "Passport to the Arts Day" in San Luis Obispo County, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Mr. Guy Savage – Assistant County Administrative Officer: provides a brief update the Federal Shutdown and its potential impacts to the County.

Public Comment Period:

16. This is the time set for members of the public wishing to address the Board on matters not scheduled on the agenda.

Mr. Mike Brown - Coalition of Labor, Agriculture and Business (COLAB): questions the process of the continued urgency ordinance hearing.

Mr. Rick London - United Way Chief Executive Officer of San Luis Obispo County: welcomes Supervisor Ray; thanks the County for supporting United Way's Workplace Giving Program; and comments on living united.

Mr. William Frost: reads a letter he submitted to the Tribune regarding Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) application to Local Agency Formation Commission (LAFCO) for a special water district.

Mr. Eric Greening: welcomes Supervisor Ray; comments on the Nuclear Regulatory Commission (NRC) meeting that was not held because of the Federal Shutdown; questions when the issues relating to spent fuel at the Diablo Canyon Power Plant will be agendized; and speaks to the Monterey Shale and other related oil issues.

Ms. Elsa Dawson: welcomes Supervisor Ray; and speaks to the possibility of agendizing the subject of the International Council for Local Environmental Initiatives (ICLEI).

Ms. Julie Tacker; Mr. Ben DiFatta; Ms. Linde Owen (photographs); and Mr. Richard Margetson: welcome Supervisor Ray; and address various concerns relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Tacker, suggests the recent editorial by Rochelle Becker and the Independent Peer Review Panel (IPRP) findings be agendized and discussed.

Dr. C. Hite: welcomes Supervisor Ray; announces the upcoming art, music, and film venues at the Central Coast Railroad Festival; and comments on the community of Los Osos relative to housing.

Mr. Gary Kirkland: discusses various concerns regarding a presentation from a sustainability group and what they plan to present at schools.

Supervisor Mecham: announces that the 88th Pioneer Day Festival is this Saturday.

Supervisor Ray: announces this weekend is the October Festival in Nipomo.

Mr. Dan Buckshi - County Administrative Officer: outlines the items that will be discussed at upcoming Strategic Planning meeting. **No action taken.**

Board Business:

17. Consideration of a status report by Mike Miller of the Ferguson Group on Federal lobbying activities being undertaken on behalf of the County.

(This item is withdrawn, per the addendum to the agenda, and will be brought back at a later date.)

Hearings:

18. Hearing to consider a resolution amending the 2010, 2011, and 2012 Action Plans to reallocate Community Development Block Grant (CDBG) funds for the City of Arroyo Grande.

Acting Chairperson Gibson: opens the floor to public comment without response.

RESOLUTION NO. 2013-249, a resolution approving and authorizing submittal of an amendment to the Urban County of San Luis Obispo Program Year 2010, 2011 and 2012 Action Plans of the Urban County of San Luis Obispo 2010 Consolidated Plan for the Community Development Block Grant (CDBG), adopted.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business:

19. Letter transmitting plans and specifications (Clerk’s File) for the Los Osos Wastewater Project, Water Recycling Facility, Los Osos for Board approval and advertisement for construction bids and submittal of a resolution making findings pursuant to Public Contract Code Section 3400 designating product requirements. The recommended bid opening date is Thursday, November 21, 2013. District 2.

Acting Chairperson Gibson: opens the floor to public comment.

Dr. C. Hite; Ms. Linde Owen; Ms. Julie Tacker; Mr. Richard Margetson; and Mr. Ben DiFatta: speak.

RESOLUTION NO. 2013-250, a resolution making findings pursuant to Public Contract Code Section 3400 designating products by specific brand or trade name in the plans and specifications for the construction of the Los Osos Wastewater Project, Water Recycling Facility, Los Osos, CA, Contract No. 300448.08.02, adopted. Further, the Board approves the project and adopts the plans and specifications for the construction of the Los Osos Wastewater Project, Water Recycling Facility, Los Osos (No. 300448.08.02); authorizes the contract to be advertised for construction bids. The recommended bid opening date is Thursday, November 21, 2013; and provides the Public Works Director, or his designee, the discretion to extend the bid opening date to a date deemed more appropriate by the Director or his designee, so long as any such extension is in compliance with all

applicable laws.

Motion by: Adam Hill
Second by: Bruce S. Gibson

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

24. Hearing to consider appeals by Sean Shealy and Brian LoConte of the Planning Commission’s approval of (1) a Development Plan/Coastal Development Permit/Variance for the County Parks’ Pirates Cove parking lot and trail project located at the end of Cave Landing Road, east of the intersection of Avila Beach Drive and Cave Landing Road in the community of Avila Beach and (2) adoption of the Mitigated Negative Declaration prepared for this project pursuant to the California Environmental Quality Act. District 3.

(This item was amended, per the addendum to the agenda, to request that this hearing be continued to Tuesday, November 5, 2013.)

Acting Chairperson Gibson: opens the floor to public comment without response.

The Board continues the hearing to Tuesday, November 5, 2013.

Motion by: Adam Hill
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Closed Session Items:

20. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
 - A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. In re Los Osos Community Services District (Bankruptcy); 2. Nipomo CSD v. County of San Luis Obispo.
 - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 3. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation.
 - II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code ' 54957.6.)
 - A. It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 4. Deputy Sheriff’s Association; 5. DAIA; 6. DCCA; 7. SLOGAU; 8. Sheriffs’ Management; 9. SLOCPPOA; 10. SLOCEA-Public Services, Supervisors, Clerical.

- B. It is the intention of the Board, sitting as the Governing Board of the San Luis Obispo County In Home Support Services Public Authority, to meet in Closed Session to have a conference with its Labor Negotiator concerning the following: Name of employee organization: 11. United Domestic Workers.
- II. PERSONNEL (Gov. Code, § 54957.) It is the intention of the Board to meet in closed session to: 12. Consider Public Employee Appointment for the Position of Director of Building/Planning.

Acting Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Board Business:

23. Request to provide direction to staff on release of the deed restriction for Port San Luis Harbor District's downtown parking lot at First and San Francisco Streets in Avila Beach. District 3.

(This item is withdrawn, per the addendum to the agenda, and will be brought back at a later date.)

Hearing:

25. Hearing to consider the extension of urgency Ordinance No. 3246 pursuant to Sections 25123, 25131 and 65858 of the California Government Code for a period of up to 22 months and 15 days. Continued from October 1, 2013. Districts 1 and 5

Supervisor Ray: states she has attended the previous meetings or has reviewed the recordings on this subject and is prepared to vote today.

Board Members: discuss issues regarding vesting rights, with Mr. Dan Buckshi, County Administrative Officer, responding that November 26, 2013 is the target date to bring this matter back to the Board.

Acting Chairperson Gibson: opens the floor to public comment.

Ms. Elaine Hagen; Mr. Ted Gilbert; Ms. Laura Edwards - Upper Salinas-Las Tablas Resource Conservation District Executive Director; Ms. Sue Fitzhugh – Farm Bureau; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Dane Senser; Ms. Patricia Wilmore - Paso Robles Wine Country Alliance; Mr. Steve Lohr – J. Lohr Vineyard; Ms. Sheila Lyons – Creston Advisory Body President; Ms. Cindy Steinbeck; Ms. Claudia Salot-Engel – Blue Ribbon Committee; Mr. David Broadwater; Mr. Dana Merrill; Mr. Matt Turrentine; Mr. Chris Ivey; Mr. Eric Greening; Ms. Kathy Sweet; Ms. Elsa Dawson; Ms. Carol Rowland; Mr. John Craig; Mr. Greg Grewall; Ms. Julie McCloskey; Ms. Kelley Sutherland; Mr. Bradley Cameron; Mr. John Crossland – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) and Wine Country Alliance; Mr. Edward Veek; Mr. Jerry Reaugh – Paso Robles Agricultural Alliance for Groundwater Solutions (PRAAGS) Chairperson; Mr. Tom Dawson; Ms. Sue Luft – PRO Water Equity President; Mr. Bill Pelfrey; Ms. Daniella Sapriel; Mr. Kent Gilmore - PRAAGS; Ms. CC Coats; Mr. Daniel Sinton (charts); Mr. Steve Sinton; and Ms. Robin Chapman: speak.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3247, an ordinance of the County of San Luis Obispo, State of California, extending Urgency Ordinance No. 3246 until and through August 26, 2015, which establishes a moratorium on new or expanded irrigated crop production, conversion of dry farm or grazing land to new or expanded irrigated crop production and new development dependent upon a well in the Paso Robles Groundwater Basin unless such uses offset their total projected water use, including certain exemptions, adopted.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)			x	

Supervisor Arnold: states why she is abstaining on this item.

The Board cancels the October 11, 2013 special meeting.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Acting Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, October 08, 2013, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: October 9, 2013